

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

DEBORAH A. ROTH-RIEMANN,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,¹

Defendant.

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No. CIV-16-614-W

ORDER

On March 23, 2017, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the decision of Nancy A. Berryhill, Acting Commissioner of Social Security ("Commissioner"), denying the Application for Supplemental Security Income filed by plaintiff Deborah A. Roth-Riemann be reversed. Magistrate Judge Erwin further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Erwin's Report and Recommendation, see Doc. 24 at 18, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs that reversal as well as remand of this matter is warranted because the Administrative Law Judge ("ALJ") erred in his evaluation of Roth-Riemann's medical records through his selective review of the

¹Effective January 23, 2017, Nancy A. Berryhill became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Berryhill is hereby SUBSTITUTED as the defendant in this action.

evidence from Northcare Mental Health Center and Hope Community Services. The Court further finds that this error is dispositive and that the Court therefore need not examine Roth-Riemann's remaining propositions. E.g., Watkins v. Barnhart, 350 F.3d 1297, 1299 (10th Cir. 2003).

Accordingly, the Court

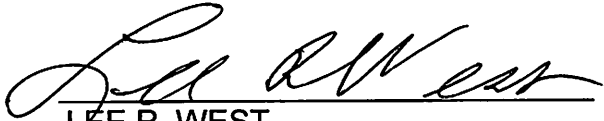
(1) ADOPTS the Report and Recommendation [Doc. 24] issued on March 23, 2017;

(2) REVERSES the Commissioner's decision denying Roth-Riemann's Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Erwin's Report and Recommendation;² and

(4) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 10th day of April, 2017.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

²As Magistrate Judge Erwin has stated, on remand, the ALJ should consider the opinions offered by Northcare Mental Health Center and Hope Community Services and by medical professionals Edgar J. Kranau, Ph.D., Deborah Hartley, Ph.D., Kieth D. McKee, Ph.D., and Jerry D. White, Ph.D., and review each opinion utilizing the applicable regulatory factors, e.g., Hamlin v. Barnhart, 365 F.3d 1208, 1215 n.7 (10th Cir. 2004), resolve any inconsistencies and explain the weight given to each opinion.